



Handbook of Operating Procedures 8-1060 Campus Concealed Carry

Effective August 01, 2016

Executive Sponsor: Vice President for University Operations
Policy Owner: Associate Vice President for Campus Safety and Security

I. Policy Statement

The University of Texas at Austin ("University") is committed to providing a safe environment for students, employees, University affiliates, and visitors, and to respecting the right of individuals licensed to carry a handgun in the state of Texas. Individuals licensed to carry may do so on campus except in locations and at activities prohibited by law or by this policy. The carrying of any handgun by an unlicensed person or the open carry of a handgun is not permitted in any place at the University.

II. Reason for Policy

Texas Government Code, **Section 411.2031** (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm#411.2031>) entitles license holders (individuals licensed to carry a handgun) to carry concealed handguns on the campus of an institution of higher education. Texas Government Code Section 411.2031 also authorizes the president of a university to enact reasonable rules and regulations regarding the concealed carry of handguns on campus, so long as the rules do not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on campus. This policy memorializes the rules and regulations enacted by the president regarding the carrying of concealed handguns by license holders on campus or University owned property.

Texas Penal Code, **Section 46.03** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03>), strictly forbids the open carry of a handgun at institutions of higher education.

III. Scope & Audience

This policy applies to all students, employees, University affiliates, and visitors of the University while on campus or University owned property. This policy does not apply to commissioned peace officers as defined in Texas Code of Criminal Procedures, **Article 2.12** (<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm#2.12>).

IV. Definitions (specific to this policy)

Campus:

All land and buildings owned or leased by the University.

Concealed Carry:

The Texas Department of Public Safety defines a concealed handgun as a handgun not openly discernable to the ordinary observation of a reasonable person.

Handgun or Pistol:

A handgun is any firearm that is designed, made, or adapted to be fired with one hand. This characteristic differentiates handguns as a general class of firearms from long guns such as rifles and shotguns (which usually can be braced against the shoulder). The most common types of handguns carried by license holders are semi-automatic pistols and to a lesser degree revolvers.

Formal Hearing:

A formal hearing is a meeting or other proceeding in which a party is pursuing a complaint, charge, grievance, appeal or other administrative process, and the other party is responding to the complaint, charge, grievance, appeal or other administrative process. A hearing officer, administrative officer, committee, hearing panel, or similar administrative body, either during or subsequent to the hearing, decides the outcome or makes recommendations through an official process as outlined in the *Handbook of Operating Procedures*, Institutional Rules on Student Services and Activities, or Regents' Rules.

License Holder:

A person licensed to carry a handgun under Chapter 411 of the Texas Government Code.

"On or about their person":

Means a person licensed to carry a handgun must carry a handgun in a manner that the handgun is close enough to the license holder that he or she can reach it without materially changing position.

Revolvers:

A revolver is a repeating handgun which has a revolving cylinder containing multiple chambers and at least one barrel for firing.

Semi-automatic Pistol:

A semi-automatic pistol uses the energy of the fired cartridge to cycle the action of the firearm and advance the next available cartridge into position for firing. One round fires each time the trigger of a semi-automatic pistol is pulled, and it uses a magazine to store and feed rounds into the chamber.

V. Website (for policy)

<https://www.policies.utexas.edu/policies/hop/8-1060>

VI. Contacts

CONTACT	DETAILS	WEB
Campus Safety and Security	Phone: 512-471-5767	Website: http://www.utexas.edu/campus-life/safety-and-security (http://www.utexas.edu/campus-life/safety-and-security)

VII. Responsibilities & Procedures

A. General Safety

1. Texas Penal Code, **Section 46.035(a-1)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>) provides that a license holder may not carry a partially or wholly visible handgun on campus premises or on any University driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. License holders who carry a handgun on campus must carry it concealed and on or about their person at all times or secure their handgun in a locked, privately- owned, or leased motor vehicle. The only exception to this policy is for license holders who reside in University Apartments or staff whose employment responsibilities require them to reside in University housing. Only these license holders may store their handgun in a gun safe that meets the requirements set forth in this policy.
2. A license holder who carries a handgun on campus must carry it in a holster that completely covers the trigger and entire trigger guard area. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling.
3. Where permitted by this policy, a gun safe used by a license holder must:
 - a. be large enough to fully contain all firearms placed in it and provide for secure storage;
 - b. have exterior walls constructed of a minimum 16-gauge steel;
 - c. have a high-strength locking system consisting of a mechanical or electronic combination or biometric lock, and not a key lock; and
 - d. be physically secured inside the license holder's residence in a manner which conforms to Division of Housing and Food Service policy.

B. Housing

1. The following rules apply to the concealed carry of handguns in University housing.
 - a. with three exceptions, the concealed carry of handguns is prohibited in all on-campus residence halls except for University Apartments. Those exceptions are as follows:
 - i. For on-campus residence halls, the carrying of a concealed handgun by a license holder is permitted in common areas such as lounges, dining areas, and study areas.
 - ii. A resident's family member who is a license holder may carry on or about their person while visiting. Residents are also responsible for ensuring their guests comply with all rules and regulations contained in this policy.
 - iii. Staff members whose employment responsibilities require them to be in University housing and are license holders are permitted to carry a concealed handgun on or about their person while present in University housing for business purposes.
 - b. License holders who reside in University Apartments or staff whose employment responsibilities require them to reside in University housing must store their handguns either in a locked, privately-owned or leased motor vehicle, or in a gun safe in the residence that meets the requirements set forth in Section VII(A)(3) of this policy. License holders are also responsible for ensuring their guests comply with all rules and regulations.
2. Housing contracts of the Division of Housing and Food Service provide that a violation of any University rules regarding the carrying or storage of firearms is grounds for termination of the housing contract.

C. Offices

1. The occupant of an office to which the occupant has been solely assigned and is not generally open to the public is permitted, at the occupant's discretion, to prohibit the concealed carry of a handgun in that office. An occupant who chooses to exercise this discretion must provide oral notice that the concealed carry of a handgun in the occupant's office is prohibited. In addition, if the occupant's duties ordinarily entail meeting people who may be license holders, the occupant will make reasonable arrangements to meet them in another location.
2. The concealed carry of handguns is prohibited in areas in which formal hearings are being conducted pursuant to the *General Information Catalog* ("GIC"), **Chapter 11** (<http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/>), Student Discipline and Conduct; Board of Regents' *Rules and Regulations*, **Rule 31008** (<http://www.utsystem.edu/board-of-regents/rules/31008-termination-faculty-member>), Termination of a Faculty Member; and the *Handbook of Operating Procedures* ("HOP") **HOP** (<https://www.policies.utexas.edu/policies/faculty-grievance-procedure>) **2-2310** (<https://www.policies.utexas.edu/policies/faculty-grievance-procedure>), Faculty Grievance Procedure, or **HOP 5-2420** (<https://www.policies.utexas.edu/policies/policies-and-procedures-discipline-and-dismissal-employees>).

Policies and Procedures for Discipline and Dismissal of Employees. Notice conforming to Texas Penal Code, **Section 30.06** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm#30.06>) will be provided.

3. To the extent possible, office space within areas where concealed carry is not permitted pursuant to state law or another provision of this policy will be made available on a scheduled basis to faculty and staff who do not have offices to which they are solely assigned. These spaces can be used by faculty or staff preferring to conduct these conferences in a gun-exclusion zone.

D. Events

1. The University is often the site of pre-K-12 school-sponsored activities, such as field trips. When a pre-K-12 school-sponsored activity is conducted at a particular location, the carrying of handguns is prohibited. A sign reading "Pre-K-12 school-sponsored activity in progress" will be posted during these activities.
2. Texas Penal Code, **Section 46.035(b)(2)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>) excludes license holders of handguns from carrying a handgun where a high school, collegiate, or professional sporting event or inter-scholastic event is taking place, unless the license holder is a participant in an event where a handgun will be used. Notice will be given for all collegiate sporting events. If possible, for ticketed sporting events this notice will be given by means of a written communication on the back of, or appended to, the ticket. Vendors and others who are permitted to enter the premises without a ticket will be provided written notice through other means.
3. The concealed carry of handguns is prohibited on premises in which a ticketed sporting event is taking place. Notice conforming to Texas Penal Code, Section 30.06 will be provided.
4. Designated individuals who work in a campus program for minors must, as a condition of their participation, agree not to carry a concealed handgun on the grounds or in buildings where the program is conducted. Parents of attendees must also agree, as a condition of their child's participation, not to carry a concealed handgun on the grounds or in buildings where the program is conducted. "Campus Program for Minors" is defined in **HOP 3-1710** (<http://www.policies.utexas.edu/policies/youth-protection-program>), Youth Protection Program. Notice conforming to Texas Penal Code, Section 30.06 will be provided.

E. Patient Care

The concealed carry of handguns is prohibited in patient-care areas, including those areas in which professional mental health services are provided. This prohibition includes not only traditional patient care facilities, but also research labs and other research areas where and when, as part of a research program, patient care is delivered by or under the supervision or direction of a licensed health care provider. Notice conforming to Texas Penal Code, Section 30.06, will be provided.

F. Laboratories

1. The concealed carry of handguns is prohibited in areas where the discharge of a firearm might cause great harm, such as laboratories with extremely dangerous chemicals, biologic agents, or explosive agents, and areas with equipment that are incompatible with metallic objects, such as magnetic resonance imaging machines.
2. The concealed carry of handguns is prohibited in animal-research facilities and other animal-care and animal-use locations in which protocols regulating entrance and exit ways create a risk that a concealed handgun will accidentally discharge, be contaminated, or be separated from a license holder. Notice conforming to Texas Penal Code, Section 30.06 will be provided.

G. Other Exclusion Zones

1. Texas Penal Code, Section 46.03(a)(2) excludes license holders from carrying a handgun on the premises of a polling place on the day of an election or while early voting is in progress. A sign will be posted at any polling place located on campus from the commencement of early voting through Election Day that reads either "Polling Place" or "Vote Here".
2. Texas Penal Code, Section 46.03(a)(3) excludes license holders from carrying a handgun on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court. A sign will be posted at the entrance to any courtroom and associated offices on campus whenever in use by a federal, state, or local judge for official business.
3. Texas Penal Code, Section 46.035(b)(1) excludes license holders from carrying a handgun in the premise of a business permitted or licensed under designated chapters of the Texas Alcoholic Beverage Code, **Section 104.06** (<http://www.statutes.legis.state.tx.us/Docs/AL/htm/AL.104.htm#104.06>), if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption. Any premise on campus meeting the requirements of Texas Penal Code, Section 46.035(b)(1) will provide notice in accordance with Texas Government Code, Section 411.204.
4. The concealed carry of handguns by license holders is prohibited in areas for which state or federal law, licensing requirements, or contracts require exclusion solely at the discretion of the state or federal government, or are required by a campus accrediting authority. Where appropriate, signage will conform to the overriding federal or state law requirements. Otherwise, notice conforming to Texas Penal Code, Section 30.06 will be provided.
5. The carrying of any firearm, including a concealed handgun carried by a license holder, is prohibited on the UT Tower observation deck and in those immediate areas secured by The University of Texas at Austin Police Department ("UTPD") in advance of any public or private tour. Notice conforming to Texas Penal Code, Section 30.06 will be provided.
6. Gun-exclusion zones created by state law as well as those created by this policy may sometimes comprise only a portion of a building. In some instances, it may not be feasible to exclude concealed handguns only

from the designated exclusion zones. The following factors and principles will govern the implementation of these rules and regulations in those buildings in which some, but not all parts are designated as exclusion zones.

Governing factors:

- The percentage of assignable space or rooms in a building that are designated as exclusion zones.
- The extent to which the area(s) designated as exclusion zones are segregable from other areas of the building.
- The extent to which use of the building, and hence its status as an exclusion zone, varies from day-to-day or week-to-week.

Governing principles:

- If a small number of rooms or a small fraction of assignable space in a building is subject to exclusion, only the rooms or areas that qualify for exclusion should be excluded. Appropriate signage must be posted for excluded rooms or areas.
- If a significant fraction of the total building in terms of number of rooms or assignable space is subject to exclusion, or if the excludable space is not segregable from other space, then as a matter of practicality, the whole building will be excluded. Appropriate signage must be posted for any such building.

H. Discipline

1. The University has amended the *General Information Catalog*, Appendix C, **Section 11-404(a)** (<http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/#subchapter11400.prohibitedconduct>), General Misconduct of the Institutional Rules on Student Services and Activities; and **HOP 8-1010** (<https://www.policies.utexas.edu/policies/prohibition-campus-violence>), Prohibition of Campus Violence to provide that causing the accidental discharge of a firearm is conduct subject to disciplinary action.

I. Education

1. The University has developed and posted a Campus Concealed Carry FAQ (refer to Sec. IX).
2. The University has developed training materials particular to the University on responding to an active shooter situation. The material is covered in Compliance Training Module: CW 122: A Safe Workplace; employees and University affiliates are encouraged to complete this module. Students are encouraged to complete training on how to respond to an active shooter situation.
3. The University has developed materials to educate and inform parents of University students and prospective students about campus carry and implementation.

J. Process and Appeal

A student, or a member of the faculty or staff of the University may appeal a decision regarding the implementation of a policy contained herein to the Campus Safety and Security Committee/associate vice president for campus safety and security for consideration. A further appeal of the decision of the Campus Safety and Security Committee/associate vice president for campus safety and security may be made to the vice president for university operations. The vice president for university operations may approve, reject, or modify the decision in question, or may submit the issue to the Campus Safety and Security Committee/associate vice president for campus safety and security for reconsideration. The decision of the vice president for university operations to approve, reject, or modify a decision is final.

Additional policies or exclusion areas not provided for in this policy will not be the subject of or considered as a matter of appeal. In accordance with Texas Government Code, Section **411.2031** (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm#411.2031>), the president is authorized to enact reasonable rules and regulations regarding the concealed carry of handguns on campus.

VIII. Form & Tools

None

IX. Frequently Asked Questions

<https://campuscarry.utexas.edu/faq> (<https://campuscarry.utexas.edu/faq>)

X. Related Information

Texas Government Code, **Section 411.204** (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm#411.204>)

Texas Government Code, **Section 411.2031** (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm#411.2031>) (Senate Bill 11)

Texas Penal Code, **Section 30.06** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm#30.06>)

Texas Penal Code, **Section 46.03(a)(2)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03>)

Texas Penal Code, **Section 46.03(a)(3)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.03>)

Texas Penal Code, **Section 46.035(a-1)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>)

Texas Penal Code, **Section 46.035(b)(2)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>)

Texas Penal Code, **Section 46.035(2)** (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.46.htm#46.035>)

Texas Code of Criminal Procedures, **Article 2.12** (<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm#2.12>)

Board of Regents' **Rule 31008** (<http://www.utsystem.edu/board-of-regents/rules/31008-termination-faculty-member>) - Termination of a Faculty Member

HOP 2-2310 (<http://www.policies.utexas.edu/policies/faculty-grievance-procedure>) – Faculty Grievance Procedure

HOP 3-1710 (<http://www.policies.utexas.edu/policies/youth-protection-program>) – Youth Protection Program

HOP 5-2420 (<http://www.policies.utexas.edu/policies/policies-and-procedures-discipline-and-dismissal-employees>) – Policies and Procedures for Discipline and Dismissal of Employees

HOP 8-1010 (<https://www.policies.utexas.edu/policies/prohibition-campus-violence>) – Prohibition of Campus Violence

General Information Catalog, Appendix C (<http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/>): Institutional Rules on Student Services and Activities

General Information Catalog, Appendix C, Chapter 11 (<http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/#subchapter11400.prohibitedconduct>) – Student Discipline and Conduct

General Information Catalog, Appendix C, Chapter 11, Section 11-404(a) (<http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/>) – General Misconduct Compliance

Training Module: CW 122: A Safe Workplace

XI. History

None